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4 JERRY DUNSON, et al.,  
5 Plaintiffs,

6 v.  
7 CORDIS CORPORATION, et al.,  
8 Defendants.

Case No. 16-cv-03076-SI

**ORDER ON AMENDED MOTION TO  
DISMISS**

Re: Dkt. No. 7

10 Defendant Cordis Corporation (“Cordis”) recently filed a motion to dismiss plaintiffs’  
11 complaint. Dkt. No. 7. Plaintiffs respond that this motion fails to address plaintiffs’ first amended  
12 complaint (“FAC”). Dkt. No. 15 at 8.<sup>1</sup> There appears to be a dispute over whether defendant was  
13 properly served with the FAC. Dkt. No. 16 at 7, Reply Br. Cordis contends that plaintiffs’  
14 complaint and FAC “are identical in substance,” but that, “[s]hould it aid the Court, Cordis can  
15 promptly refile its motion to dismiss with citations to the FAC.” *Id.* at 8.

16 Given the length of the two complaints, the addition of defendants to the FAC (and any  
17 choice of law issues that may be implicated), and the citation discrepancies that exist among the  
18 parties’ submissions, the Court ORDERS Cordis to promptly refile its motion to dismiss with  
19 citations to the FAC, **by July 12, 2016 at 12:00pm**. The matter remains on the Court’s July 22,  
20 2016 calendar.

21 **IT IS SO ORDERED.**

22 Dated: July 8, 2016

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SUSAN ILLSTON  
United States District Judge

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28 <sup>1</sup> The page numbers cited refer to the page numbers generated by ECF.